

### **REMARKS**

Claims 1 through 27 are pending in this application. Claims 1, 2, 4, 6, 9 and 10 are amended in several particulars for purposes of clarity in accordance with current Office policy, to assist the examiner and to expedite compact prosecution of this application. Claims 26 and 27 have been newly added. The Applicant appreciates the Examiner's indication of allowability concerning claims 2 through 7 and 10 and the allowance of claims 11 through 25.

#### **I. CLAIM REJECTIONS - 35 U.S.C. § 102**

Claims 1 and 8-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Dunlap et al. (5,124,807). The Applicant respectfully traverses.

No claim is anticipated under 35 U.S.C. §102 (b) unless all of the elements are found in exactly the same situation and united in the same way in a single prior art reference. As mentioned in the **MPEP §2131**, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Every element must be literally present, arranged as in the claim. *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ2d 1913, 1920 (CAFC 1989). The identical invention must be shown in as complete detail as is contained in the patent claim. *Id.*, "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 165 USPQ 494, 496 (CCPA 1970), and MPEP 2143.03.

Regarding claim 1, the Examiner stated that Dunlap discloses an automatic gain controller equalizing a level of a frequency modulated video signal (112, fig. 6), the frequency modulated video signal having luminance and color components, the frequency modulated video signal being recorded on a recording medium; a limiter preventing a level or luminance components of the frequency modulated signal output from the automatic gain controller from exceeding a predetermined value (124); a recording equalizer equalizing an output of the limiter in accordance with the characteristics of the recording medium (126); a color low pass filter filtering and transmitting the color component of the frequency modulated video signal output from the automatic gain controller (130); and a mixer combining the luminance component output from the recording equalizer with the color component output from the color low pass filter (134).

However, Dunlap fails to disclose a switch positioned after the recording equalizer, where the switch switches to ground when a dropped-out signal is determined as claimed in the amended claim 1. Looking at Dunlap, after the common equalizer 126 there are only the two resistors 134, but no switch. As mentioned in the specification of the present invention, since the apparatus of FIG. 2 has a switch 212 positioned after the recording equalizer 208, the apparatus reduces the possible flow of noise into the mixer by removing the limiter 208 and the recording equalizer 210 from the circuit when the switch 212 is grounded 124.

Furthermore, the Examiner mentioned on page 3 of paper no. 6 that such a switch is not disclosed in Dunlap or any other reference.

Regarding claim 9, the Examiner stated that Dunlap et al. discloses that the automatic gain controller instantaneously raises a gain of the inputted frequency modulated video signal when the inputted frequency modulated video signal is approved (col. 10, lines 1-43).

However, looking at col. 10, lines 1-43 and especially in lines 1-6, “This amplifier 112 maintains a given signal level by changing the gain in response to the average signal rising or lowering.” which is not the same as instantaneously raising a gain of the inputted frequency modulated video signal when the inputted frequency modulated video signal is approved as claimed in the present invention. As mentioned in MPEP §2131, “The identical invention must be shown in as complete detail as is contained in the patent claim” and here the identical invention is not disclosed.

Concerning the added claim 26, Dunlap fails to disclose a playback equalizer and has at least the high pass filter 122 between the limiter 124 and the the AGC AMP 112, while the claim claims a direct connection between the AGC and the limiter through the playback equalizer without a high pass filter. Even if combined with Choi’s playback equalizer in a 35USC§103, the connections are not taught or suggested.

Concerning added claim 27, as the Examiner mentioned on page 3 of paper no. 6, the prior art fails to disclose a switch removing the limiter and recording equalizer when there is the presence of the signal drop in the frequency modulated signal.


## **II. Allowable Subject Matter**

The Examiner stated that Claims 2-7 and 10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Following the advice of the Examiner the claims have been amended and therefore, should be allowed.

In view of the foregoing amendments and remarks, all claims are deemed to be allowable and this application is believed to be in condition to be passed to issue. If there are any questions, the examiner is asked to contact the applicant's attorney.

A fee of \$380.00 is incurred by this Amendment for the addition of four (4) independent claims above three (3) and the addition of two (2) claims above twenty-five (25). Applicant's check drawn to the order of the Commissioner accompanies this Amendment. Should there be a deficiency in payment, or should other fees be incurred, the Commissioner is authorized to charge Deposit Account No. 02-4943 of Applicant's undersigned attorney in the amount of such fees.

Respectfully submitted,

  
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